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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/070,920	05/04/98	YAMADA	A 37B.P48

005514 MM42/1103  
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EXAMINER

STEWART JR, C

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 11/03/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/070,920

Applicant(s)

Akitoshi Yamada, et al

Examiner

Charles W. Stewart Jr.

Group Art Unit

2853



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 30 days month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-93 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-93 are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2853

### DETAILED ACTION

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

#### *Election/Restriction*

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-18 drawn to a method of controlling a print operation of an ink jet printer, classified in class 347, subclass 23.

II. Claims 19-29 drawn to a method of cooling a print head of an ink jet printer before capping, classified in class 347, subclass 18.

III. Claims 30-58 drawn to an apparatus for controlling a print operation of an ink jet printer, classified in class 347, subclass 5.

IV. Claims 59-93 drawn to a computer-executable process steps stored on a computer-readable medium, the computer executable process steps to control a print operation of an ink jet printer, classified in class 347, subclass 14

3. The invention are distinct, each from the other because of the following reasons: Invention I is related as a method of controlling a print operation of an ink jet printer an ink-jet printing.

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Invention II is related as a method of cooling a print head of an ink jet printer before capping.

Invention III is related as an apparatus for controlling a print operation of an ink jet printer.

Invention VI is related to a computer-executable process steps stored on a computer-readable medium, the computer executable process steps to control a print operation of an ink jet printer

The inventions are distinct if either or both of the following can be shown: (1) that to a method of controlling a print operation of an ink jet printer or (2) that to a method of cooling a print head of an ink jet printer before capping or (3) to an apparatus for controlling a print operation of an ink jet printer or (4) a computer-executable process steps stored on a computer-readable medium, the computer executable process steps to control a print operation of an ink jet printer .

4. Because these inventions are distinct for the reasons given above and have acquired a separated status in the art as shown by the different classification, restriction for examination purposes as indicated is proper.

5. A telephone call was made to Mr. Mark J. Itri on October 20, 1999 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicants' are advised that the reply to this requirement to be completed must include an election of the invention to be examined even though the requirement be traversed (37 CAR 1.143).

#### ***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles Stewart whose telephone number is (703) 308-7252.

The examiner can normally be reached on Monday-Friday from 8:30 a.m to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow, Jr. Art Unit 2853, can be reached on (703) 308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

cws

October 20, 1999

A handwritten signature in black ink, appearing to read 'J. Barlow', is positioned above the printed name and title.

John Barlow  
Supervisory Patent Examiner  
Technology Center 2800